Judge Marc L. Barreca
Hearing Location: Room 7106
700 Stewart St., Seattle, WA 98101
Hearing date: August 30, 2013
Hearing time: 9:30 a.m.
Response due: August 23, 2013

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE: ADAM R. GROSSMAN, Debtor.	CHAPTER 7 CASE NO. 10-19817 TRUSTEE'S OBJECTION TO CLAIM NO. 14-1 OF PETER ZIEVE, MOTION, NOTICE OF HEARING AND PROOF OF SERVICE

TO: PETER ZIEVE

NOTICE

PLEASE TAKE NOTICE that a hearing on the below objection and motion shall occur on **Friday, August 30, 2013 at 9:30 a.m. before Judge Marc L. Barreca, at the U.S. Bankruptcy Court, in Room 7106, U.S. Courthouse, 700 Stewart Avenue, Seattle, Washington 98101.** The Clerk is requested to note the motion on the docket for that date and time.

YOU ARE FURTHER NOTIFIED that, in accordance with local rules, any responses or objections to the below objection and motion must be made in writing and filed with the US Bankruptcy Court, Room 6301, US Courthouse, 700 Stewart Street, Seattle, Washington 98101; and a copy of any such response or objection must be served upon Judge Barreca via the Court's electronic case filing ("ECF") system or via the Office of the Clerk of the Court and upon the undersigned **no later than the "Responses due" date shown in the upper right hand corner of this pleading**. If responses or

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objections are not timely filed, the Court may strike the hearing and grant the relief requested in the objection and motion on an ex parte basis.

OBJECTION

COMES NOW Ronald G. Brown, the trustee in the above entitled case, through his undersigned attorney, and objects to the allowance of Claim No. 14-1 of Peter Zieve ("Claimant")[1] in the amount of $120,000.00 as a general unsecured claim or any other claim. The Trustee objects to this claim on the following grounds:

> The supporting documentation filed with Claim No. 14-1 shows that the basis for the claim is payment of the sum of $120,000 in the form of a personal check from Claimant made payable to Terrington Davies Tanager Fund ("TDTF"). TDTF is a limited partnership which was formed by the Debtor. The claim is not supported with proof that the Debtor obligated himself in regard to the claim or the amount thereof in his personal capacity (e.g., signed a personal guaranty). Because payment was made to TDTF and not the Debtor, it appears that the claim represents an obligation and liability of TDTF and not an obligation and liability of the Debtor in his personal capacity. Thus the claim does not appear to be an allowable claim against the bankruptcy estate. The Trustee, however, will consider modifying or withdrawing this objection and stipulating to allowance of this claim if Claimant on or before the Response Date provides the Trustee with satisfactory proof of the Debtor's personal liability in regard to the claim and the amount thereof.[2]

THEREFORE, absent additional documentation and proof, Claim No. 14-1 of Peter Zieve should be disallowed.

MOTION

The Trustee hereby moves this Court for an order sustaining the foregoing objection for the reason(s) that are set forth above, and on the following basis: (a) under Federal Bankruptcy Rule of Procedure 3007, an objection to a proof of claim may be sustained at a hearing held on 30 days notice;

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[1] The Clerk of the Court has assigned a number to each proof of claim filed with the Court and prepared a register of claims which can be inspected at the Court or via the internet through the Court's electronic case filing system (ECF).

[2] To the extent that Claimant substantiates through satisfactory further proof an allowable claim, the Trustee anticipates proposing the allowance of the claim as a separate liability of the Debtor (i.e., not a community liability), in accordance with Bankruptcy Code §§541(a)(2) and 726(c), due to the Trustee's understanding that the transaction upon which Claim No. 14-1 is based was after the Debtor and his ex-spouse were separated.

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(b) the allowance or disallowance of a proof of claim is a core matter under 28 U.S.C. §157(b)(2)(B).

Therefore, the Trustee requests that Claim No. 14-1 be disallowed.

DATED this 12th day of July, 2013

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/s/ Bruce P. Kriegman
Bruce P. Kriegman, WSBA #14228
Attorney for Trustee

PROOF OF SERVICE

I hereby declare under penalty of perjury under the laws of the United States that on the date indicated below, I served a copy of the foregoing document in the manner specified to Claimant as follows:

Peter Zieve
10517 62nd Place W
Mukilteo, WA 98275
[via first class U.S. mail, postage prepaid]

Adam R. Grossman
5766 - 27th Ave. NE
Seattle, WA 98105
[via first class U.S. mail, postage prepaid]

Jill Borodin
c/o Shelly Crocker, Esq. (scroker@crockerlaw.com) and Steven J. Reilly, Esq. (sreilly@crockerlaw.com) and Todd Tracey, Esq. (ttracey@crockerlaw.com)
Attorneys for Ms. Borodin; and
All Other Parties Registered on ECF for the case

[via ECF to their, respective, ECF registered e-mail addresses]

DATED this 12th day of July, 2013

/s/ Susan L. Blan
Susan L. Blan, Paralegal

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